

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

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) **MDL No. 1456**
) **Master File No. 01 -12257-PBS**
) **Subcategory No. 06-11337**

THIS DOCUMENT RELATES TO:

*State of California, ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.*
Case No. 03-11226-PBS

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) **Hon. Patti B. Saris**
) **Magistrate Marianne B. Bowler**
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**DECLARATION OF BRENDAN CYR IN SUPPORT OF
DEFENDANTS' MOTION FOR AN ORDER GRANTING
LEAVE TO TAKE DEPOSITION OUT OF TIME**

I, Brendan Cyr, declare, pursuant to 28 U.S.C. § 1746, that:

1. I am associated with the law firm Kelley Drye & Warren LLP, counsel to Dey, Inc., Dey, L.P., Mylan Inc., and Mylan Pharmaceuticals Inc. I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.
2. I make this Declaration in support of Defendants' Motion for an Order Granting Leave to Take Deposition Out of Time.
3. I make this Declaration from my own personal knowledge of the facts and circumstances set forth herein. The source of my knowledge is my review of Kelley Drye & Warren LLP's files with respect to this litigation, including my review of the documents annexed as exhibits hereto, and my communications with counsel for plaintiff and codefendants.
4. Attached hereto as Exhibit A is a true and correct copy of the transcript of the February 12, 2009 Status Conference in this action.

5. Attached hereto as Exhibit B is a true and correct copy of an e-mail from Brendan Cyr to Nicholas Paul, dated June 9, 2009.

6. Attached hereto as Exhibit C is a true and correct copy of a letter from Nicholas Paul to Brendan Cyr, dated June 9, 2009.

7. Attached hereto as Exhibit D is a true and correct copy of an excerpt of the deposition of Katherine Ahrens, taken on May 20, 2009.

8. Attached hereto as Exhibit E is a true and correct copy of Defendants' First Set of Requests for Production to the State of California, dated October 4, 2007.

9. Attached hereto as Exhibit F is a true and correct copy of a letter from Nicholas Paul to Counsel, dated March 16, 2009.

10. Attached hereto as Exhibit G is a true and correct copy of a letter from Nicholas Paul to Philip D. Robben and Heather McDevitt, dated April 24, 2009.

11. Attached hereto as Exhibit H is a true and correct copy of a letter from Nicholas Paul to Philip D. Robben and Heather McDevitt, dated May 5, 2009.

12. Attached hereto as Exhibit I is a true and correct copy of a letter from Nicholas Paul to Philip D. Robben and Heather McDevitt, dated June 12, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 2009

/s/Brendan Cyr
Brendan Cyr

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on August 21, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/Brendan Cyr

Brendan Cyr